

REMARKS

Applicants have carefully reviewed the Examiner's Office Action dated December 17, 2004, in which the Examiner objected to the specification because of an improperly used word; objected to claims 1-6 because of some informalities; rejected claims 1, 3, 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art shown in Fig. 7 and defined on pages 1 and 2 of the specification, in view of Ogden (U.S. Patent No. 4,478,666); and rejected claims 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art, in view of Ogden (U.S. Patent No. 4,478,666), and further in view of Miwa (U.S. Patent No. 4,625,097).

Amendments to the Specification

Applicants have amended the abstract in the specification in order to correct the improperly used expression "the present invention".

Amendments to the Claims

Applicants have amended the claims in order to more particularly define the invention taking into consideration the outstanding Official Action.

Claims 1-6 have been amended to remove the informalities pointed out by the Examiner. Further, claims 5 and 6 have been amended to overcome 35 U.S.C. 103(a) rejections. Furthermore, claim 7 has been newly entered in order to more particularly define the invention.

Appl. No. 10/715,561
Amendment dated: March 15, 2005
Reply to OA of: December 17, 2004

All of the amendments and the newly entered claim are fully supported by the original disclosure of this application and therefore do not constitute the introduction of any new matter into this case.

Rejection under 35 U.S.C. 103(a) over the applicant's admitted prior art, in view of Ogden (U.S. Patent No. 4,478,666)

The rejection of claims 1, 3, 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (APA), in view of Ogden (U.S. Patent No. 4,478,666) has been carefully considered but is most respectfully traversed.

Applicants wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP §2143. This section states that to establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Further, MPEP §2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Appl. No. 10/715,561
Amendment dated: March 15, 2005
Reply to OA of: December 17, 2004

"All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

This rejection is respectfully traversed on the grounds that a prima facie case of obviousness of the amended claims is not been established.

In particular, the present invention, as defined in the amended claim 1, is directed to an equipment utilizing water comprising: an operation section provided on top or side of a main body of the equipment utilizing water; and an outer member including a transparent member, a transparent film formed thereon, and a colored decoration provided on a surface of the transparent member opposite to the transparent film, wherein the operation section is comprised of only the transparent film. In virtue of the aforementioned members, the present invention offers a transparent texture quality in outer appearance as well as a depth and classic texture quality in design. And at the same time, characters or figures on a surface of the equipment can be presented in a stereovision to thereby make them easily visible.

In contrast, Ogden is directed to a membrane switch control panel arrangement and label assembly for labeling same, not an equipment utilizing water or anything like that. Further, Ogden considers a legend sheet 16 being transparent only for providing a viewing window 52 through which the glow bulb of the respective switches 32 may be observed, as mentioned in col. 7, lines 18-26. Furthermore,

Appl. No. 10/715,561
Amendment dated: March 15, 2005
Reply to OA of: December 17, 2004

Ogden mentions that the indicia 50 may be formed on the front side of the legend sheet 16 as well as the back side thereof, in col. 9, lines 6-9, which implies that the relative location of the indicia to the transparent legend sheet does not matter at the least.

And accordingly, applicants most respectfully submit that it cannot be obvious at all in view of Ogden that the aforementioned advantages - a transparent texture quality, a depth and classic texture quality, and the stereovision of characters and figures for the readability - can be obtained by modifying the equipment utilizing water to comprise an outer member including a transparent member, a transparent film formed thereon, and a colored decoration provided on a surface of the transparent member opposite to the transparent film, wherein the operation section is comprised of only the transparent film, as claimed in the present invention. The prior art does not contain the necessary motivation to modify the reference to arrive at the claimed invention, absent Applicants' teaching. In re Fritch, 23, USPQ 1780, 1784 (Fed. Cir. 1992) ("It is impermissible to engage in hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.").

Further, applicants believe it noteworthy that the technical field of the present invention and the APA is totally different from that of the invention of Ogden, especially in consideration of their respective classifications.

Accordingly, it is respectfully submitted that the Examiner's hindsight combination of the APA and Ogden is entirely improper since technical fields of APA and Ogden are totally different from each other, as stated above. Furthermore, the

Examiner's kind attention is directed to the fact that an outer member including a transparent member, a transparent film formed thereon, and a colored decoration provided on a surface of the transparent member opposite to the transparent film in accordance with the present invention extremely improves the texture quality, whereas in the legend sheet and the indicia of Ogden, the positional relation between them is dealt without any importance, and the texture quality is never considered.

As stated above, the Examiner's hindsight combination of APA and Ogden is believed entirely improper in the absence of any suggestion, teaching or motivation given in any of the prior art references to do so, and inasmuch as one skilled in the art would have no reason to make such a combination.

It is also believed that claim 3, depending on claim 1, is allowable for the same reasons indicated with respect to claim 1, and further because of the additional features recited therein which, when taken alone and/or in combination with the features recited in claim 1, remove the invention defined therein further from the disclosures made in the cited references.

Meanwhile, claim 5, amended with reference to page 13, lines 3-10 of the present specification, defines an equipment utilizing water comprising: an operation section provided at top or side of a main body of the equipment utilizing water; and an outer member including a transparent member, a transparent film formed on a top surface of the transparent member, and a colored member integrally formed on a bottom surface of the transparent member, wherein the outer member has a portion comprised of only the transparent film and the operation section is disposed at the portion comprised of only the transparent film, wherein the colored member is

formed of a material identical to that of the transparent member or a material tightly formable with the transparent member. Because of the material of the colored member, the colored member can be integrally formed on a bottom surface of the transparent member, as claimed, thereby acquiring the advantages where a stable transparent texture quality can be obtained at a low cost without any stain; a yield can be increased; and the outer member can be made rigid, as mentioned in page 14, lines 12-20 of the present specification.

On the contrary, the APA and Ogden neither disclose nor suggest the integral forming of the colored member and the transparent member at the least. Further, they do not disclose the colored member being formed of a material identical to that of the transparent member or a material tightly formable with the transparent member. Indeed, Ogden does not mention about even the colored member formed on a bottom surface of the transparent member, which can provide a depth and classic texture quality in design. Therefore, it is clear that the APA and Ogden cannot reach to the present invention to acquire the aforementioned advantages at all, due to the lack of the colored member formed of a material identical to that of the transparent member or a material tightly formable with the transparent member, and integrally formed on a bottom surface of the transparent member. The prior art does not contain the necessary motivation to modify the reference to arrive at the claimed invention, absent Applicants' own teaching. In re Fritch, 23, USPQ 1780, 1784 (Fed. Cir. 1992) ("It is impermissible to engage in hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.").

Further, with regard to claim 6, a connection structure for fixing the outer

member to the equipment utilizing water is provided to the colored member, wherein the connection structure includes a claw and/or a boss into which a screw is screw-fitted. Under the configuration, the outer member is securely connected to a main body or a cover by engaging a claw of the colored member with the main body or the cover and/or by fitting a screw through the main body or the cover into a boss of the colored member. As a result, the claw and/or the boss are not seen from outside, thereby securely fixing the outer member to the main body or the cover without deteriorating the transparent appearance thereof. In addition, no adhesive is required to secure the outer member to the main body or the cover, thereby shortening a time period required for the securing. The aforementioned advantages are clearly presented in page 16, lines 1-7 of the present specification.

However, the APA and Ogden discloses and implies only the adhesive, not a claw and/or a boss, as a connection structure. Therefore, they cannot attain the above effects of the present invention. And accordingly, in addition to the aforementioned reasons indicated with respect to claim 5, it is believed that claim 6 cannot be derived obviously from the APA and Ogden.

It is also believed that, because of reasons similar to those indicated above with respect to claim 1, the Examiner's hindsight combination of APA and Ogden is believed entirely improper also for claims 5 and 6 due to the absence of any suggestion, teaching or motivation given in any of the prior art references to do so, and inasmuch as one skilled in the art would have no reason to make such combination.

Rejection under 35 U.S.C. 103(a) over the applicant's admitted prior art, in view of Ogden (U.S. Patent No. 4,478,666), and further in view of Miwa (U.S. Patent No. 4,625,097)

The rejection of claims 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (APA), in view of Ogden (U.S. Patent No. 4,478,666), and further in view of Miwa (U.S. Patent No. 4,625,097) has been also carefully considered but is most respectfully traversed.

Claim 2 is directed to an equipment utilizing water comprising: an operation section provided on top or side of a main body of the equipment utilizing water; and an outer member including a transparent member, a transparent film formed thereon, and a colored decoration provided on a surface of the transparent member opposite to the transparent film, wherein the operation section is comprised of only the transparent film, wherein a decoration is added to a portion of the transparent film. In this way, a stereovision of characters or figures on the surface of the equipment can be provided to thereby have them visible with ease, as described in page 3, lines 8-11 of the present specification.

However, in addition to all the arguments indicated with respect to claim 1, the decoration added to a portion of the transparent film is neither disclosed nor implied in any of the APA, Ogden and/or Miwa. In particular, with regard to col. 3, lines 47-50 of Miwa, the nameplate 51 includes transparent windows formed thereon in respective portions corresponding to the indicator openings, which strongly implies that the nameplate itself is not transparent at all, unlike the transparent film of the present invention. Further, Miwa does not state explicitly anywhere of the specification that the

nameplate 51 is transparent. Therefore, it is obvious that the cited references do not disclose the present invention as claimed, and accordingly, cannot acquire the aforementioned advantage of the present invention at all. That is to say, the above-stated inventive features of claim 2 are not disclosed or taught, independently or in combination, by the APA, Ogden and/or Miwa. The prior art does not contain the necessary motivation to modify the reference to arrive at the claimed invention, absent Applicants' teaching. In re Fritch, 23, USPQ 1780, 1784 (Fed. Cir. 1992) ("It is impermissible to engage in hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps.").

It is also believed that claim 4 depending on claims 1 and 2 is allowable for the same reasons indicated with respect to claims 1 and 2, and further because of the additional features recited therein which, when taken alone and/or in combination with the features recited in claims 1 and 2, remove the invention defined therein further from the disclosures made in the cited references.

The newly entered claim 7 is believed to be also allowable, for the same reasons indicated with respect to claims 2 and 5, respectively.

As stated above, the prior art references do not show the inventive features of the present invention. Accordingly, it is most respectfully submitted that the claims define patentable inventions over the prior art references and, therefore, are allowable.

Appl. No. 10/715,561
Amendment dated: March 15, 2005
Reply to OA of: December 17, 2004

CONCLUSION

Applicants believe that this is a full and complete response to the Office Action. For the reasons discussed above, applicants now respectfully submit that all of the pending claims are in complete condition for allowance. Accordingly, it is respectfully requested that the Examiner's rejections be withdrawn; and that claims 1-7 be allowed in their present forms. If the Examiner feels that any issues that remain require discussion, he is kindly invited to contact applicants' undersigned attorney at (703) 683-0500 to resolve such issues and expedite the prosecution of this application.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By: 
Eugene Mar
Registration No. 25,893

Date: March 15, 2005

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: 703-683-0500
Facsimile: 703-683-1080

EM/jrs